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COMMISSION  
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

2000 NOV 20 P 3:25

In the Matter of )

Friends for a Democratic )

White House )

J. Dewald )

Others, as of yet unknown )

Matter Under Review

5155

**SENSITIVE**

COMPLAINT

This complaint is hereby filed with the Federal Election Commission (the "FEC" or "Commission"), because one or more persons or sham groups has allegedly stolen the list of contributors of Gore 2000, Inc. (the "Committee") and is currently engaged in a fraudulent misrepresentation of the Committee and its candidate. The Commission should immediately investigate these crimes and violations of the Federal Election Campaign Act (the "Act") and take swift and decisive steps to stop this action and punish those who have committed these violations.

RESPONDENTS

This complaint is filed against the "Friends for a Democratic White House" with an address of 2020 Pennsylvania Avenue, NW, #801, Washington, DC, 20006 and 2020 Pennsylvania Avenue, NW, PMB 801, Washington, DC 20077-8620; J. Dewald, the Chief of Staff of this organization at the same addresses; and any other participant or conspirator, as determined by the Commission in its investigation, in these violations (the "respondents").

For notification purposes, the Commission should use the latter address listed above. A representative of complainant visited the purported offices of this sham group, and it turned out to be a "Mailboxes, Etc."

COMPLAINANT

This complaint is being filed by Gore 2000, Inc., Gary R. Gruver, Assistant Treasurer 601 Mainstream Drive, Nashville, Tennessee 37228.

DISCUSSION

Attached to and incorporated in this complaint are copies of a fundraising letter purporting to raise \$1 million to pay for activities in support of the Democratic candidate for President, Al Gore. The solicitor claims to be a "PAC", yet there are no registrations or reports on record at the Commission. The solicitor claims to have a "select" mailing list, yet it has obviously mailed names off of the Committee's list and names that could have come only from the Committee's list or FEC reports.

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In return for a contribution of up to \$5,000, the solicitor promises to award certain randomly selected contributors pairs of tickets to the "Al Gore Inaugural Ball in Washington DC". The solicitation is signed by a J. Dewald, who purports to be the chief of staff of the PAC.

Neither the Committee nor Al Gore have any connection with or knowledge of this organization or its chief of staff. Neither the Committee nor Al Gore have authorized its activities or have had any communications whatsoever with this organization or its chief of staff. This organization is also not connected to any future inaugural committee for Al Gore.

Instead, there is clear reason to believe that this is a sham organization intended not for the purpose of engaging in political activity, but rather for the obvious purpose of swindling unsuspecting Democratic supporters out of their personal funds. There is no record of any previous political activity by this group, and its address is nothing more than a mailbox rented at a Washington, DC "Mailboxes Etc.", obviously rented for the sole purpose of bilking donors. The Commission should note that the date of this solicitation ensures that any money received would be so received after the close of the books for the required pre-general report of receipts and disbursements, and so late that any money received would likely not come in until after election day, let alone in time to be spent to influence the election in any meaningful way. In addition, complainant is not aware of any 48 hour notices being filed to date, further indicating the fraudulent purposes of this mailing and their clear lack of any intent to comply with the law.

## **VIOLATIONS**

A number of violations of the Act have been committed by this sham group, as follows.

### **1. This sham organization has illegally copied complainants' FEC report.**

The Act provides that information copied from FEC reports or statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes. 2 U.S.C. §438(a)(4). Upon information and belief, respondents have sent their purported solicitation to a name available only on the Committee's FEC report. In addition, the names of other recipients, while possibly available elsewhere, can logically only have come from being copied directly from the Committee's FEC report.<sup>1</sup> Upon information and belief, the only persons who have received this mailing are persons on the Committee's FEC reports. The Committee's contributor list has not been marketed or otherwise been made available. Accordingly, the Commission should investigate and find that respondents have violated 2 U.S.C. §438(a)(4).

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<sup>1</sup> The recipient of the attached letter is "Carolyn" Utrecht. As the Commission is aware, Ms. Utrecht is known commonly as "Lyn" and is rarely referred to as Carolyn. The Committee, however, listed her as Carolyn on its reports as a protective measure.

**2. This purported PAC has failed to register with and report to the Commission.**

The Act requires that any group of persons that receives contributions aggregating in excess of \$1,000 or makes expenditures aggregating in excess of \$1,000 during a calendar year to register with the Commission and report its receipts and disbursements. 2 U.S.C. §431(4), §433, and §434. Clearly, respondents by the language of their own letter intend to raise and spend over \$1,000. In fact, they may have already done so. Upon information and belief, the Committee's direct mail fundraising letters to its own donors would exceed \$1,000 in costs. If respondents sent this letter to all of the Committee's contributors – as it appears has been done – the costs would thus exceed the amount necessary to register and report. Accordingly, the Commission should investigate and find that respondents have violated 2 U.S.C. §431(4), §433, and §434.

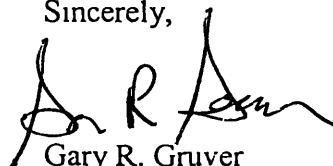
**3. This sham organization is fraudulent misrepresenting itself to the Committee's contributors.**

The Act provides that no person who is an agent of a candidate shall fraudulently misrepresent himself as speaking, writing or acting on behalf of another candidate or agent in a damaging manner. 2 U.S.C. §441h. By promising to award inaugural ball tickets to Al Gore's inaugural ball, this group is holding itself out as an agent of Al Gore (when, in fact, it is not). By falsely holding itself out as an agent, the group is acting in a manner damaging to both Al Gore and his principal campaign committee, since the latter could be accused of wrongdoing under the Act based on the fraud of this group. Accordingly, and upon information and belief, the Commission should investigate and find that respondents have violated 2 U.S.C. §441h.

**CONCLUSION**

The activities undertaken by respondents, including the fraud being perpetrated on unsuspecting supporters of Al Gore, must be stopped. The Commission should act swiftly and decisively to investigate these matters and punish any possible wrongdoing that has occurred. In the absence of such Commission action, the integrity of the reports filed will be compromised and any contributor, no matter their affiliation, will be left to fend off similar non-political fraudulent activities. Candidates and their committees will be left to defend their names from being used in similar despicable and unauthorized manners. Therefore, complainants respectfully request that the Commission step in and take action.

Sincerely,



Gary R. Gruver  
Assistant Treasurer  
Gore 2000, Inc

STATE OF TENNESSEE       )  
  )  
COUNTY OF DAVIDSON     )

Subscribed and sworn to before me this 2nd day of November, 2000.

Linda E. Heft  
Notary Public

My commission expires on: September 25, 2004.

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